**DISTRICT OFFICE:** Galveston District

FILE NUMBER: D-17399

## PROJECT LOCATION INFORMATION:

State:

Texas

County:

Nueces

Center coordinates of site (latitude/longitude):

27-39-56.7 97-20-50.7

Approximate size of area (parcel) reviewed, including uplands: approx. 5 acres.

Name of nearest waterway: Oso Bay Name of watershed: Oso Creek

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 31 October 2005

Date(s):

# Jurisdictional Determination (JD):

Site visit(s)

Preliminary JD - Based on available information, \( \square\) there appear to be (or) \( \square\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 1.7 acres.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(4) Impoundments of waters outcomed (5) The presence of a tributary to a water identified in (1) – (4) above.
(6) The presence of territorial seas.
(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands. water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Tributary of Oso Bay which has been cut off from daily tidal flow, but may receive inflow during yearly high tides or storm tides, Oso Bay is a navigable waterway

I	ateral Exte	ent of Jurisdictions (Deference, 2	2 CED . 200 14			FILE NUMBER:	D-17399
5	Ordinar	ent of Jurisdiction: (Reference: 3 y High Water Mark indicated by:					
**	■ Olumany  Cle	ar natural line impressed and to the		Hig	h Tide Line indica	ted by:	
		ar, natural line impressed on the b	oank	Ш	oil or scum line	along shore objects	
		presence of litter and debris			fine shell or debr	ris deposits (foreshore)	
	i cna	inges in the character of soil			physical marking	gs/characteristics	
	⊢ des	truction of terrestrial vegetation			tidal gages		
		lving			other:		
	☐ oth	er:					
£ in	<b>a</b>						
	Mean Hi	gh Water Mark indicated by:					
	∐ surve	y to available datum;   physica	l markings; 🗌 vegeta	tion	lines/changes in ve	egetation types.	
2							
	,	boundaries, as shown on the attac	med wettand defineation	on n	nap and/or in a deli	ineation report prepared	by:
Ba	sis For Not	Asserting Jurisdiction:					
		wed area consists entirely of upla	nds.				
	Unable to	confirm the presence of waters i	n 33 CFR nart 328(a)/	1 2	or 4.7)		
- Common of the	Headquar	ters declined to approve jurisdict	ion on the basis of 33 (	r, 2,	nort 220 2(a)(2)		
	The Corp	s has made a case-specific determ	ination that the follow	vina	. part 320.3(a)(3).	Alan alta a control version	
	United St	ates:	mation that the follow	villg	waters present on	the site are not waters of	of the
	□ w	aste treatment systems, including	treatment ponds or la	onni	ne nurcuant to 22 /	CED most 220 2	
	L A	unicially infigated areas, which w	Ould revert to unland	if th	e irrigation cancad		
		fullicial lakes and ponds created b	v excavating and/or di	ikind	dry land to collect	t and	
	re	tain water and which are used exc	lusively for such purn	oses	as stock watering	irrigation sattling has	
		~ growing.					ns, or
	☐ Aı	rtificial reflecting or swimming po	ools or other small orn	ame	ntal hodies of wate	er created	
	- Uj	cycavating and/or diking dry lan	d to retain water for n	rima	rily seethetic racco		
	w	acci-illied depressions created in	dry land incidental to a	conc	truction activity or	od mien augustus 1 t. 1	land for
		being of optaining in, said, (	or gravei iiniess and iin	itil tl	he construction or	01100110ting	
	40	and oned and increaning body o	f water meets the defir	nitio	n of waters of the I	United States found at 3	3 CFR
		o.o (u).					
	☐ Iso	plated, intrastate wetland with no	nexus to interstate con	nmei	rce.		
	☐ FII	ior converted cropland, as determ	ined by the Natural Re	sou	rces Conservation	Service. Explain rationa	ıle:
	□ No	n-tidal drainage or irrigation dito	hac avoorested on J		P 1		
	Otl	on-tidal drainage or irrigation ditch her (explain):	nes excavated on dry I	and.	Explain rationale	:	
		(					
DATA I	REVIEWEI	FOD HIDSIDICTIONAL DE					•
Ø	Mans plan	D FOR JURSIDICTIONAL DE is, plots or plat submitted by or or	TERMINATION (m.	ark	all that apply):		
2	Data sheets	s prepared/submitted by or on bel	of the applicant	nt.			
- Territoria	This of	ffice concurs with the delineation					
	This of	ffice does not concur with the del	inection remark dated	гера	ared by (company)	:	
	Data sheets	s prepared by the Corps.	meanon report, dated		, prepared by (co	ompany):	
	Corps' nav	igable waters' studies:					
	U.S. Geolo	gical Survey Hydrologic Atlas:					
鳌	U.S. Geolo	gical Survey 7.5 Minute Topogra	nhic mans: Oso Creek	NE			
200	U.S. Geolo	gical Survey 7.5 Minute Historic	anadranoles:	IIL			
<u> </u>	U.S. Geolog	gical Survey 15 Minute Historic o	madranoles:				
	USDA Nati	ural Resources Conservation Serv	ice Soil Survey: Nuec	ec			
	National We	ctiands inventory maps: Oso Cree	k NE	Ų.			
	State/Local	wetland inventory mans:					
	FEMA/FIR	M maps (Map Name & Date): Ci	ty of Corpus Christi. (	Comi	munity Panel 4854	64 0315D August 2 10	<b>9</b> 0
FEMA/FIRM maps (Map Name & Date): City of Corpus Christi, Community Panel 485464 0315D August 3 100-year Floodplain Elevation is: (NGVD)							07
	Aerial Photo	ographs (Name & Date):	•				
The state of the s	Other photo	graphs (Date):					
<u>=</u>	Advanced Id	dentification Wetland maps:					
	Site visit/de	termination conducted on:					
	Applicable/s	supporting case law:					
600 P	Outer Inform	nation (please specify).					

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** Galveston District

FILE NUMBER: 23969

# PROJECT LOCATION INFORMATION:

State:

Louisiana

County:

Cameron Parish

Center coordinates of site (latitude/longitude):

LAT: 29deg55'32"N LONG: 93deg48'07"W

Approximate size of area (parcel) reviewed, including uplands: 7.04 acres.

Name of nearest waterway: Sabine Lake Name of watershed: Sabine Lake

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 7 November 2005

Date(s):

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \sqrt{there appear to be (or)} \) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination. The Sabine Lake is a navigable waterway subject to the ebb and flow of the tide from the Gulf of Mexico, and is presently used to transport interstate or foreign commerce.

La	teral	Extent of Jurisdiction: (Reference: 22 CED 220			FILE NUMBER: 2396
5	Ord	Extent of Jurisdiction: (Reference: 33 CFR parts 328 linary High Water Mark indicated by:	and 3	(29)	
	, D	clear netweet limited indicated by:	M	High	h Tide Line indicated by:
	片	clear, natural line impressed on the bank			
	님	the presence of litter and debris			fine shell or debris deposits (foreshore)
	ш	changes in the character of soil		ñ	physical markings/characteristics
	Ш	destruction of terrestrial vegetation		$\boxtimes$	tidal gages
		shelving			
		other:		Ц	other:
	Mea	n High Water Mark indicated by:			
		survey to available datum;  physical markings;  ve			
	Wet	land boundaries, as shown on the attached wetland delin	neatio	on m	ap and/or in a delineation report prepared by:
	is For	Not Asserting Jurisdiction: reviewed area consists entirely of uplands.			
The second of th	Unah	ble to confirm the presence of water : 22 GPP			
<b>1</b>	Head	ple to confirm the presence of waters in 33 CFR part 32	<b>8(a)(</b> 1	I, 2,	or 4-7).
	The	quarters declined to approve jurisdiction on the basis of	f 33 (	CFR	part 328.3(a)(3).
	Unite	ed States:	ollow	ing '	waters present on the site are not Waters of the
	Ц	Waste treatment systems, including treatment ponds	or las	วดดท	is nursuant to 33 CED next 220 2
		""" I I I E C C C C C C C C C C C C C C C C	ond :	+ + 1 -	himianting1
		and policy created by excavating and	or di	bina.	dmiland ta sallast and
		retain water and which are used exclusively for such rice growing.	or an	villa	no steels watering in the second
		Artificial reflecting or swimming pools or other small	lom	mer	ntal hadiag of water and t
		of chearaing and or diking dry land to regain water t	OF DE	imar	rily oosthatia
		Water-filled depressions created in dry land incidenta	l to a	onat	my aesthetic reasons.
		the purpose of obtaining fill sand or gravel unless an	1 10 0	onst	ruction activity and pits excavated in dry land for
		abandoned and the resulting body of water meets the			
	님	Isolated, intrastate wetland with no nexus to interstate	com	mer	ce.
(	Ц	Prior converted cropland, as determined by the Natura	al Res	sour	ces Conservation Service. Explain rationale:
į Į		Non-tidal drainage or irrigation ditches excavated on Other (explain):			
DATA RE	EVIEV	WED FOR JURSIDICTIONAL DETERMINATION	l (ma	rk s	all that apply):
O.C.C.C.		Pictor of plat sublifficu by or on behalf of the ann	lioon	t.	
- F	7414 SI 772	neets prepared/submitted by or on behalf of the applicar	ıt.		
Ļ	닉 ;;;	is office concurs with the delineation report, dated	, pi	repar	red by (company):
	מו ע	IS Office does not concur with the delineation report do	ted	•	, prepared by (company):
D	aia Si	ices prepared by the Corps.			yr repaired by (company).
	orps'	navigable waters' studies:			
U	I.S. G	cological Survey Hydrologic Atlas:			
	.S. G	cological Survey 7.5 Minute Topographic maps:			
₩ U	.S. G	cological Survey 7.5 Minute Historic quadrangles.			
U	.S. G	cological Survey 15 Minute Historic quadrangles.			
U	SDA:	Natural Resources Conservation Service Soil Survey:			
N	ationa	l wetlands inventory maps:			
St	ate/La	ocal wetland inventory maps:			
U U U N	EMA/	FIRM maps (Map Name & Date):			
10	)()-ve2				
A	erial D	r Floodplain Elevation is: (NGVD)  Photographs (Name & Date):			
	her ni	notographs (Name & Date): notographs (Date):			
A.	tvonc	iologiapiis (Dale);			
A(C	a valice	ed Identification Wetland maps:			
211	ic VISI	t/determination conducted on:			
Ap	piical	ble/supporting case law:			
Ot.	ner in	formation (please specify):			

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** 21903(01)

FILE N	DMDER: 21905(01)							
Stat Cou Cen App Nan								
	ICTIONAL DETERMINATION  npleted: Desktop determination							
Jur	isdictional Determination (JD):							
	Preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or) } \subseteq  there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).							
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:							
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:							
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:							
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.							
<u>A.</u>	DF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.							
B.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands.  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.							
	<ul> <li>(iii) which are or could be used for industrial purposes by industries in interstate commerce.</li> <li>(4) Impoundments of waters otherwise defined as waters of the US.</li> <li>(5) The presence of a tributary to a water identified in (1) – (4) above.</li> <li>(6) The presence of territorial seas.</li> <li>(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands</li> </ul>							

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Galveston Channel is a part of Galveston Bay - both navigable waters of the U.S. and jurisditional under Section 10 of the Rivers and Harbors Act of 1899.

**FILE NUMBER: 21903(01)** 

ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:								
Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.								
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:								
The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:								
<ul><li>Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:</li><li>Other (explain):</li></ul>								
REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Galveston, Texas  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Acological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify): DA Permit 21903								

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG-PE-RCC** 

**FILE NUMBER: 23926** 

DDA IFA	CT LOC	TION IN	FORMATION	N.				
Stat		Texas	FORMATIO	١.				
Coı	inty:	Willacy						
Cen	26-33-40/97-21-26							
					g uplands: 1,200 acres.			
			ay: Gulf of Me					
Nar	ne of wate	ershed:	Gulf of Mexic	o/Laguna Ma	dre			
HIRISD	ICTION	AL DETE	RMINATION					
			determination		Date: 2 Nov 2005			
	•	Site visit			Date(s):			
Jur	isdictiona	ıl Determi	nation (JD):					
	Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or) } \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).							
×		d JD – An Il that apply		s an appealabl	e action (Reference 33 CFR part 331).			
	☑ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:							
	☑ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:							
	☐ Ther	e are "isol			ate waters or wetlands" within the reviewed area.  ANCC/Migratory Bird Rule Information Sheet for Determination of No			

#### BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
   (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
   (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,
- sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- $\square$  (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Tidal waters of the Gulf of Mexico and Laguna Madre.

**FILE NUMBER: 23926** 

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other:  □ tidal gages □ other:
×	Mean High Water Mark indicated by:  ⊠ survey to available datum; ⊠ physical markings; □ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies: September 1971 Galveston District List of Navigable Waters of the US.  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Port Mansfield, South of Potrero Lopeno SE, TX  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Autural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): USACE, Galveston, Operations Division.  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston FILE NUMBER: 23983 PROJECT LOCATION INFORMATION: State: Texas Hidalgo County: Center coordinates of site (latitude/longitude): 26 08 33.7457; 98 19 42.5255 Approximate size of area (parcel) reviewed, including uplands: 2.0 acre. Name of nearest waterway: Rio Grande Name of watershed: South Laguna Madre JURISDICTIONAL DETERMINATION **Completed:** Desktop determination Date: 7 November 2005 Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: ☑ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.126 acre. There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: <u>acre.</u> There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [11] (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Rio Grande is used for interstate commerce.

## FILE NUMBER: 23983

Lat ⊠	Ordinary High Water Mark indicated by:  Clear, natural line impressed on the bank  the presence of litter and debris  changes in the character of soil  destruction of terrestrial vegetation  shelving  other: hydrophytic vegetation  Ordinary High Water Mark indicated by:  High Tide Line indicated by:  Oil or scum line along shore objects  fine shell or debris deposits (foreshore)  physical markings/characteristics  tidal gages  other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated, prepared by (company):  This office does not concur with the delineation report, dated, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Mission, TX  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Autural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG

	JMBER: 23977								
Stat Cou Cen App Nan									
	ICTIONAL DETERMINATION  npleted: Desktop determination								
Jur	isdictional Determination (JD):								
	Preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or) } \subseteq  there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).								
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:								
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:								
	☑ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:								
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.								
	OF JURISDICTIONAL DETERMINATION:  Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.								
B.	<ul> <li>(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.</li> <li>(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.</li> <li>(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or</li> </ul>								
	destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.  (iii) which are or could be used for industrial purposes by industries in interstate commerce.  (4) Impoundments of waters otherwise defined as waters of the US.  (5) The presence of a tributary to a water identified in (1) – (4) above.  (6) The presence of territorial seas.								

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Located in 100 year floodplain of Gulf of Mexico within Dune Swales.

2 **FILE NUMBER: 23977** Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328.3(a)(3).

Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).

The Corps has made a case-specific determination that the following waters present on the site are not Waters of the Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Flake, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Panel: 485471 0123F and 485470 0181 (July5, 1993) 100-year Floodplain Elevation is: 16 feet aera of 100 YR coastal flood with veloctiy (wave action) (NGVD) Aerial Photographs (Name & Date): Other photographs (Date):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

Other information (please specify): D-16888 wetland verification in process by Compliance Section

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG** FILE NUMBER: 23951

	CT LOCATION INFORMATION:
Sta	
	unty: Aransas
	nter coordinates of site (latitude/longitude): N27.99004 W97.07639
	proximate size of area (parcel) reviewed, including uplands: 0.13 acres. me of nearest waterway: Cove Harbor
	me of watershed: Aransas Bay
Na	ine of watershed. Aransas Bay
	DICTIONAL DETERMINATION
Co	mpleted: Desktop determination
	Site visit(s) Date(s):
Ju	risdictional Determination (JD):
-	Preliminary JD - Based on available information, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	☑ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.13 acres.
	☐ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	☐ There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  ☐ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of N Jurisdiction.
RASIS	OF JURISDICTIONAL DETERMINATION:
	Waters defined under 33 CFR part 329 as "navigable waters of the United States":
В.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
Ë	
لسا	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect interstate commerce including any such waters (check all that apply):
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
	(iii) which are or could be used for industrial purposes by industries in interstate commerce.  (4) Impoundments of waters otherwise defined as waters of the US.
	<ul> <li>(4) Impoundments of waters otherwise defined as waters of the OS.</li> <li>(5) The presence of a tributary to a water identified in (1) – (4) above.</li> </ul>
H	(6) The presence of territorial seas.
	(7) The presence of wetlands adjacent <sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

23951

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other:  □ other: □ destruction of Jurisdiction: (Reference: 33 CFR parts 328 and 329) □ High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
×	Mean High Water Mark indicated by:  ⊠ survey to available datum; ⊠ physical markings; □ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Estes, TX  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Actual Resources Conservation Service Soil Survey:  National wetlands inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): GLO 2005  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CEWSG-PE-R** 

FILE NUMBER: D-17805

P	R	O	JΕ	CT	Ί.	O	CA	т	IC	N	IN	ΙF	റ	R	М	Α	TI	ON	٠

State:

Texas

County: Trinity

Center coordinates of site (latitude/longitude):

30-51-27 / 95-12-52

Approximate size of area (parcel) reviewed, including uplands: 1.03 acres. Name of nearest waterway: Lake Livingston

Name of watershed: Trinity River

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 8 Nov 2005

Date(s):

#### Jurisdictional Determination (JD):

Site visit(s)

Preliminary JD - Based on available information, \( \square \) there appear to be (or) \( \square \) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

Marchard There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 1.03 acres.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- [1] The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
  - (4) Impoundments of waters otherwise defined as waters of the US.
    - (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17805 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation ☐ tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date):

Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** D-17658

FILE N	JMBER: 1	D-17658						
Stat Cou Cen App Nan	e: nty: ter coordir roximate s	Texas Galvestor nates of sit size of area est waterw	e (latitude/longit	ed, includin stal Waterw	· ·			
			RMINATION determination (s)	×	Date: 8 November 2005 Date(s):			
Jur	isdictional	Determi	nation (JD):					
	United St	ates" and/			n, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable			
×		d JD – An that apply		n appealabl	e action (Reference 33 CFR part 331).			
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 30 acres.							
					defined by 33 CFR part 328 and associated guidance) within the nal area: 30 acres.			
	There	are "isolo			ate waters or wetlands" within the reviewed area.  ANCC/Migratory Bird Rule Information Sheet for Determination of No.			
RASIS (	)F JURIS	DICTION	NAL DETERMI	NATION:				
A.	Waters of The prese	lefined un ence of wa	der 33 CFR par ters that are subje	t 329 as "n ect to the eb	avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.			
B. ⊠	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands <sup>1</sup> .							
Ē	(3) The p sandflats,	resence of wetlands	other waters suc , sloughs, prairie	h as intrasta potholes, w	ate lakes, rivers, streams (including intermittent streams), mudflats, ret meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply):			
	(i) w (ii) f (iii) (4) Impor	hich are or from which which are undments	or could be used be n fish or shellfish or could be used of waters otherw	y interstate are or coul- for industri ise defined	or foreign travelers for recreational or other purposes. d be taken and sold in interstate or foreign commerce. al purposes by industries in interstate commerce. as waters of the US. fied in (1) – (4) above.			

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The canals are subject to the ebb and flow of the tide, contiguous with the GIWW and are thereby navigable waters of the United States. The canals were dredged to provide navigable access to the GIWW within a subdivision.

FILE NUMBER: D-17658

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ other: □ High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.  Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
DATA R	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Port Bolivar, Texas Quadrangle  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Datural Resources Conservation Service Soil Survey:  National wetlands inventory maps: Port Bolivar, Texas Quadrangle  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law: DA Permit 23065 for the residential subdivision.  Other information (please specify):

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.



<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG FILE NUMBER: SWG-05-27-006** 

State:

Texas

County: Galveston

Center coordinates of site (latitude/longitude):

Lat: 29.27.42 Long: 95.01.06

Approximate size of area (parcel) reviewed, including uplands: 0.5 acres.

Name of nearest waterway: Dickinson Bayou Name of watershed: Dickinson Bayou

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 9 November 2005

Site visit(s)

Date(s):

Tur	isdic	tional	Determ	ination	(ID)
Jur	isaic	tionai	Determ	ination	4.1173:

Preliminary JD - Based on available information, \( \square\$ there appear to be (or) \( \square\$ there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- (2) The presence of interstate waters including interstate wedges.

  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
  - (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: SWG-05-27-006

Lat	Ordinary High Water Mark indicated by:  Clear, natural line impressed on the bank  the presence of litter and debris  changes in the character of soil  destruction of terrestrial vegetation  shelving  other:  High Tide Line indicated by:  oil or scum line along shore objects  fine shell or debris deposits (foreshore)  physical markings/characteristics  tidal gages  other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.  Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands.
	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
DATA R	EEVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Dickinson  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 18 Minute Historic quadrangles:  U.S. Geological Survey 18 Minute Historic quadrangles:  U.S. Geological Survey 19 Minute Historic quadrangles:  U.S. Geological Survey 10 Minute Historic q

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** SWG-05-13-014

	CNADEN. 6 W G 03 13 V17
Sta Cor Cer App Nar	te: Texas unty: San Jacinto nter coordinates of site (latitude/longitude): Lat: 30.47.40 Long: 95.09.35 proximate size of area (parcel) reviewed, including uplands: 1 acres. me of nearest waterway: Lake Livingston me of watershed: Trinity River
	pictional determination mpleted: Desktop determination Site visit(s) Date: 9 November 2005 Date(s):
Jur	isdictional Determination (JD):
B	Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
A.	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B. <b>3</b>	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands.  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to

determination:

FILE NUMBER: SWG-05-13-014

	Ordinary High Water Mark indicated by:  Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Carlisle  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic soli Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** 23984

<b>PROJEC</b>	CT LOCATION I	NFORMATION:		
State	e: Texas			
	nty: Calhou			
		site (latitude/longitud		Latitude 28° 34' 46.105"N; Longitude 96° 22' 38.068"W
		rea (parcel) reviewed		g uplands: acres.
Nan	ne of nearest water	way: Matagorda Bay		
Nan	ne of watershed:	West Matagorda B	Bay	
<b>JURISD</b>	ICTIONAL DET	ERMINATION	******	
Con	npleted: Desktop	determination		Date: 9 Nov 05
	Site vis	it(s)		Date(s):
Juri	isdictional Detern			
	Preliminary JD - United States" an (Reference 33 CF	d/or "navigable wate	formation	, there appear to be (or) there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
Ø	Approved JD – A Check all that app		appealable	e action (Reference 33 CFR part 331).
	There are "na the reviewed area	vigable waters of the Approximate size of	United St of jurisdict	ates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
		nters of the United Stapproximate size of ju		defined by 33 CFR part 328 and associated guidance) within the al area:
	There are "iso			ate waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.
DACIC (	TE HIDISDICTIO	ONAL DETERMIN	ATION.	
A.				avigable waters of the United States":
	The presence of v	vaters that are subject	to the ebt	o and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.
В.	Waters defined	under 33 CFR nart	328.3(a) a	s "waters of the United States":
				used, or were used in the past, or may be susceptible to use in
******				ters which are subject to the ebb and flow of the tide.
П		of interstate waters in		
				te lakes, rivers, streams (including intermittent streams), mudflats,
				et meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of wh	ich could affect inter	state com	nerce including any such waters (check all that apply):
	(i) which are	or could be used by	interstate	or foreign travelers for recreational or other purposes.
				be taken and sold in interstate or foreign commerce.
				al purposes by industries in interstate commerce.
		s of waters otherwise		
	(5) The presence	of a tributary to a wa		ied in (1) – (4) above.
	(6) The presence	of territorial seas.		
	(7) The presence	of wetlands adjacent	to other v	waters of the US, except for those wetlands adjacent to other wetlands

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2 **FILE NUMBER: 23984** Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. П Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Keller Bay U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps:

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

(NGVD)

FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is:

Aerial Photographs (Name & Date):

Advanced Identification Wetland maps:
Site visit/determination conducted on:
Applicable/supporting case law:
Other information (please specify):

Other photographs (Date):

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG** FILE NUMBER: SWG-05-31-001

#### PROJECT LOCATION INFORMATION:

State:

Texas

County: Harris

Center coordinates of site (latitude/longitude):

29.7264N; 95.2767W

Approximate size of area (parcel) reviewed, including uplands: 400 acres.

Name of nearest waterway: Brays Bayou Name of watershed: Brays Bayou

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 10 Nov 05

Site visit(s)

Date(s):

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \square\) there appear to be (or) \( \square\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 200 acres.

Marker are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 200 acres.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

М

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
    - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
  - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Brays Bayou

**FILE NUMBER: SWG-05-31-001** Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects fine shell or debris deposits (foreshore) the presence of litter and debris changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. П Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG** 

FILE NU	MBER: 23078(02)				
State Cou Cent App Nam	nty: Brazoria ter coordinates of site ( roximate size of area ( ne of nearest waterway	latitude/longitude):	28.9369N; 95.3064W ng uplands: 100 acres. el; ICW; Velasco SPL; Oyster Cree; Salt Bayou		
	ICTIONAL DETERM pleted: Desktop det Site visit(s)		Date: 10 November 2005 Date(s):		
Juri	sdictional Determina	tion (JD):			
	Preliminary ID - Base	ed on available information of the	on, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable		
×	Approved JD – An ap Check all that apply:	proved JD is an appealab	ple action (Reference 33 CFR part 331).		
	There are "naviga the reviewed area. A	ble waters of the United Sproximate size of jurisdi	States" (as defined by 33 CFR part 329 and associated guidance) within ictional area:		
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:				
		ed, non-navigable, intra-s Decision supported by SW urisdiction.	state waters or wetlands" within the reviewed area.  /ANCC/Migratory Bird Rule Information Sheet for Determination of No		
A	Waters defined und	rs that are subject to the e	: "navigable waters of the United States": bb and flow of the tide and/or are presently used, or have been used in sport interstate or foreign commerce.		
B.	(1) The presence of vinterstate or foreign (2) The presence of it (3) The presence of candflats, wetlands, settruction of which (i) which are or (ii) from which	vaters, which are currently commerce, including all waterstate waters including other waters such as intrastilloughs, prairie potholes, could affect interstate concould be used by interstate fish or shellfish are or cou	y used, or were used in the past, or may be susceptible to use in waters which are subject to the ebb and flow of the tide. g interstate wetlands <sup>1</sup> . state lakes, rivers, streams (including intermittent streams), mudflats, wet meadows, playa lakes, or natural ponds, the use, degradation or mmerce including any such waters (check all that apply): te or foreign travelers for recreational or other purposes. uld be taken and sold in interstate or foreign commerce.		

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

(4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

**FILE NUMBER: 23078(02)** 

Ordinary High Water Mark indicated by:  Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Autural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG** 

FILE N	UMBER: I	D-1/8/2		
Sta Co Ce Ap Na	ite: unty: nter coordin proximate s	TION INFORMATION: State Montgomery states of site (latitude/longitusize of area (parcel) reviewed st waterway: Lake Conroe sched: San Jacinto Rive	ed, includin	Lat: 30.23.37 Long: 95.33.33 g uplands: 1 acres.
	mpleted:	L DETERMINATION Desktop determination Site visit(s)	<u> </u>	Date: 10 November 2005 Date(s):
Jui	Prelimina United Sta	Determination (JD): ry JD - Based on available ates" and/or "navigable was e 33 CFR part 331).	information ters of the U	n, \( \subseteq \text{ there appear to be (or) } \subseteq  there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
2	Approved Check all	JD An approved JD is at that apply:	n appealable	e action (Reference 33 CFR part 331).
	There the review	are "navigable waters of the yed area. Approximate size	e United St of jurisdict	tates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
	There are reviewed a	are "waters of the United Sarea. Approximate size of	States" (as o	defined by 33 CFR part 328 and associated guidance) within the al area:
				ate waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.
<b>A.</b>	Waters de The presen	nce of waters that are subject	t 329 as "na	avigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in out interstate or foreign commerce.
B.	Waters de	efined under 33 CFR part esence of waters, which are	328.3(a) as currently u	s "waters of the United States": used, or were used in the past, or may be susceptible to use in

- interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
  - (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17872

La S	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving ordinary High Water Mark indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Shepard Hill  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Autural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.